



**National Republican Congressional Committee**

**Tom Cole, M.C.**  
**Chairman**

**Pete Kirkham**  
**Executive Director**

**RECEIVED**  
**FEDERAL ELECTION COMMISSION**

**2008 JUN -3 PM 4:49**

**June 3, 2008**

**Thomasema Duncan, Esq**  
**General Counsel**  
**Federal Election Commission**  
**999 E Street, NW**  
**Washington, DC 20463**

**FEDERAL ELECTION COMMISSION**  
**OFFICE OF GENERAL COUNSEL**

**2008 JUN -4 A 11:54**

**Re MUR 5999**

**Dear Ms Duncan**

**By and through the undersigned counsel, the National Republican Congressional Committee ("NRCC") and Keith Davis, as Treasurer, hereby responds to the complaint filed in the above-captioned matter by the Democratic Congressional Campaign Committee ("DCCC")**

**The complaint is a political document, loaded with inappropriate and sophomoric allusions completely irrelevant to the legal issues at hand. And of course, the filing of the complaint was accompanied by the usual publicity and force-fed news coverage**

**But it is that same news coverage that demonstrates why the complaint should be dismissed. The DCCC tries to claim that certain television advertisements that referenced a federal candidate and sponsored by Freedom's Watch, were somehow coordinated with Respondents. In support, the DCCC points to metadata found in an electronic copy of the script of Freedom's Watch. According to the complaint, this metadata includes the acronym "NRCC" in the "Title" field of the electronic file. Far from establishing a violation of some sort, even the DCCC concedes that "[i]t is impossible to know from the available facts the exact nature of the relationship between the NRCC and the Freedom's Watch script."**

**320 First Street, S E**  
**Washington, D C 20003**  
**(202) 479-7000**

**Paid for by the National Republican Congressional Committee and not**  
**Authorized by any Candidate or Candidate's Committee**  
**www.nrcc.org**

**Not Printed at Government Expense**

29044223076

29044223077

Fortunately, subsequent news coverage shines light on the issue, and establishes that no impermissible coordination occurred. According to several news reports, the electronic file "was created by an outside vendor who used the same Microsoft Word template for multiple clients." *GOP accused of FEC violation, Activist group linked to ad, The Washington Times*, April 17, 2008. This outside vendor had been a media vendor for the NRCC during the 2006 election cycle (but is no longer and has not been at any point during the 2008 election cycle). He explained on the record that "he pulled up an old template from his NRCC days and wrote the Louisiana script over it, then saved the file and sent it to the TV stations." *Democrats Accuse GOP Campaign Arm of Covertly Writing Ad, The Washington Post*, April 16, 2008. Thus, the Freedom's Watch script was not based upon any sort of knowledge of the internal needs, plans or strategies of a campaign, nor was there any substantial discussion between Freedom's Watch and the NRCC regarding the ad.<sup>1</sup>

In conclusion, neither the NRCC nor any officer or agent of the NRCC coordinated any communications with Freedom's Watch in connection with any federal election, including the special election in Louisiana. Accordingly, the complaint fails to allege any violation of the Act and should be dismissed.

Respectfully,



Elizabeth N. Beacham, Counsel  
National Republican Congressional Committee  
Keith Davis, Treasurer

---

<sup>1</sup> In fact, there was no discussion. The complaint also attempts to assign some significance to the claim that the last person who edited the script was "cforti." Although a former employee of the NRCC, Mr. Forti left the NRCC at the end of the 2006 election cycle, and has not been involved with the NRCC in any capacity since (whether as employee, consultant, volunteer, etc.). According to news reports, Carl Forti is now employed by Freedom's Watch.

2 of 42 DOCUMENTS

The Washington Times

April 17, 2008 Thursday

## GOP accused of FEC violation; Activist group linked to ad

**BYLINE:** By Sean Langel and Carrie Sheffield, THE WASHINGTON TIMES

**SECTION:** NATION, A06

**LENGTH:** 527 words

The House Democratic fundraising arm yesterday filed a complaint with the Federal Election Commission accusing its Republican counterpart of illegally colluding with a conservative advocacy group on campaign activities.

The Democratic Congressional Campaign Committee (DCCC) says the National Republican Congressional Committee (NRCC) and the nonprofit group Freedom's Watch violated federal election laws by working together on a television advertisement that attacked Democratic House candidate Don Cazzyoux of Louisiana, who is running in a special election May 3.

The DCCC says a Microsoft Word computer file of the ad sent to a Louisiana TV station contained an electronic identifier with the name Carl Forti, a Freedom's Watch official and a former NRCC employee.

Political party committees are barred from coordinating with outside groups on ads that refer to federal candidates within 90 days of an election.

"We call upon the Commission to conduct an immediate and complete investigation to determine just how the NRCC came to be involved in this ad, and to determine the nature of the relationship between the party committee and the shadowy outside group that does its bidding," DCCC Executive Director Brian Wolff wrote in a letter to the Federal Election Commission (FEC). "The Commission should seek injunctive relief and the highest penalties allowed by law."

The NRCC says the case is full of overtones of conspiracy theories and has no substance.

"The DCCC thinks they see black helicopters," said NRCC spokesman Ken Spain. "All of their politically motivated efforts will not distract from the fact that their hand-picked candidate has a long and public record of raising taxes."

A spokesman for Freedom's Watch said the electronic identifier with Mr. Forti's name was created by an outside vendor who used the same Microsoft Word template for multiple clients. The spokesman said the two groups have not coordinated on any campaigning.

"I think this is a sensational complaint that gets very boring very quickly when you hear the other side of the story," said Freedom's Watch spokesman Ed Patru. "It's a preposterous charge. It's stuff that they're going to use for fundraisers."

Republicans add that even the DCCC's letter to the FEC says that "it's impossible to know from the available facts the exact nature of the relationship between the NRCC and the Freedom's Watch script."

Freedom's Watch, described by some as the conservative answer to the liberal group MoveOn.org, spent millions of advertising dollars last year promoting the Bush administration's Iraq war efforts.

The DCCC, which has a large fundraising advantage over the NRCC, has been bracing for Freedom's Watch to take a more active role in congressional races this year.

NRCC Chairman " Tom Cole may have gotten his wish when Freedom's Watch came to the NRCC's rescue, but breaking the law will be the NRCC's worst nightmare, " Mr Wolff said

It's not clear what penalties the NRCC faces if the FEC finds violations of the law The agency's board has discretion to impose penalties

The case will have to wait for a quorum on the six-member board, which is down to two members

**LOAD-DATE** April 17, 2008

**LANGUAGE** ENGLISH

**PUBLICATION-TYPE** Newspaper

Copyright 2008 The Washington Times LLC  
All Rights Reserved

3 of 42 DOCUMENTS

**The Washington Post**  
**washingtonpost.com**  
 The Washington Post

April 16, 2008 Wednesday  
 Suburban Edition

## Democrats Accuse GOP Campaign Arm Of Covertly Writing Ad

**BYLINE.** Paul Kane, Washington Post Staff Writer

**SECTION.** A-SECTION, Pg. A03

**LENGTH** 470 words

Democratic Party officials said they will file a complaint today with the Federal Election Commission alleging that a conservative political group has illegally coordinated its advertising with a Republican Party campaign committee in advance of a May 3 special election in Louisiana.

The Democratic Congressional Campaign Committee, the fundraising and campaign arm for House Democrats, alleges that the script for a television ad purchased by Freedom's Watch, an independent conservative political committee, can be traced to the National Republican Congressional Committee.

Federal election laws prohibit the independent group from coordinating its efforts with the NRCC, the campaign arm of House Republicans, or any political candidate.

The Democratic officials said the advertising script carried an electronic identifier that shows it originated in the Republican committee.

"Freedom's Watch is coming to the NRCC's rescue. The problem is that they're doing it illegally," said DCCC Executive Director Brian Wolff, adding that the group's "own document clearly shows that the script of their ad came from the NRCC."

The DCCC will file the FEC complaint, Wolff said.

The Freedom's Watch ad is scheduled to begin running this week on Baton Rouge television stations. It accuses state Rep. Donald J. Cazzyoux, the Democratic nominee to replace former congressman Richard H. Baker (R-La.), of supporting higher taxes.

Cazzyoux is in a tight race with former state representative Woody Jenkins for a seat traditionally held by Republicans. Baker resigned in February to take a job as a lobbyist.

The DCCC has a cash advantage of more than \$30 million over the NRCC and expects to use some of it on Cazzyoux's behalf over the next three weeks.

Patrick McCarthy, the media consultant who wrote the Cazzyoux ad for Freedom's Watch, said an innocent mistake caused the document to appear as if it came from the NRCC. McCarthy, who did consulting work for the NRCC for six years, said he pulled up an old ad template from his NRCC days and wrote the Louisiana ad script over it, then saved the file and sent it to the TV stations.

"It's absurd on the face of it. They're grasping at straws if they're saying recycling an old Word document is illegal," said

McCarthy, who now works at Designated Market Media

"The DCCC is delusional," added NRCC spokesman Ken Spain

Freedom's Watch was launched last summer with a focus on the Iraq war and international issues, but in recent months it has spent money on domestic issues, including a series of ads focusing on illegal immigration before a special election in Ohio. A Republican won that race.

Freedom's Watch is now run by Carl Forti, who spent most of this decade overseeing hundreds of millions of dollars in TV campaigns for the NRCC, and Ed Patra, a former NRCC communications aide.

LOAD-DATE: April 16, 2008

LANGUAGE: ENGLISH

DISTRIBUTION: Maryland

PUBLICATION-TYPE: Newspaper

Copyright 2008 The Washington Post  
All Rights Reserved

29044223081



FEDERAL ELECTION COMMISSION  
999 E Street, NW  
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL  
Please use one form for each Respondent/Client.  
FAX (202) 219-3923

MUR # 5999  
NAME OF COUNSEL Elizabeth N. Neacham  
FIRM National Republican Congressional Committee  
ADDRESS 320 First Street SE  
Washington, DC 20003  
TELEPHONE- OFFICE (202) 479-7069  
FAX (202) 484-1155

The above-named individual and/or firm is hereby designated as my  
counsel and is authorized to receive any notifications and other communications  
from the Commission and to act on my behalf before the Commission

6/3/08 [Signature] Treasurer  
Date Respondent/Client Signature Title

RESPONDENT/CLIENT National Republican Congressional Committee  
(Please Print)

MAILING ADDRESS 320 First Street, SE  
Washington, DC 20003

TELEPHONE- HOME (202) 479-7060  
BUSINESS (202) 549-7705

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

29044223082